REMARKS

The Examiner rejected claim 1 under 35 U.S.C. § 102(e) as being anticipated by Hashimoto. Applicant respectfully disagrees.

Applicant's invention relates to a dual function mobile terminal that can function as both a cordless telephone and a cellular radiotelephone. The mobile terminal comprises a transceiver for communicating with a base station in a wireless communications network, and a short-range radio interface (e.g., a Bluetooth interface) to communicate with a base unit of a cordless telephone system. The mobile terminal may also be equipped with a GPS receiver to determine the current position of the mobile terminal. The mobile terminal stores a reference location (e.g., the GPS coordinates) of the cordless system's base unit in memory. Using these locations, the mobile terminal calculates the distance between the cordless system's base unit and the mobile terminal, and controls the frequency with which it searches for the base unit. That is, the mobile terminal varies the frequency of the search responsive to the distance between the base unit location and the mobile terminal location.

Hashimoto also discloses a dual function mobile terminal capable of communicating with both an independent cordless telephone system and a base station in a cellular network. In contrast to the Examiner's assertions, however, Hashimoto fails to teach, "storing a reference location associated with said base unit in said mobile terminal" as required by claim 1. As stated above, the claimed "reference location" identifies a location (e.g., GPS coordinates) of the cordless system base unit. The Examiner equates the claimed "reference location" with the base station numbers of Hashimoto; however, this corollary is both incorrect and unsupported by the Hashimoto reference. The mobile terminal of Hashimoto actually stores the base station numbers of the independent cordless telephone system and the cellular network base station in memory. According to Hashimoto, the disclosed base station numbers are identification symbols (i.e., a base station ID) that are transmitted to the mobile terminal periodically as part of a control message. This enables the mobile terminal to identify which base station and/or

network it is communicating with, but it says nothing whatsoever about where the base station is physically located. It simply identifies the particular base station transmitting the message.

Hashimoto may determine distance; however, this means nothing. It is never stated in the reference as to how the distance is determined. Hashimoto never suggests that the base station numbers identify the location of the base station. With all due respect, that assertion comes from the Examiner. Simply put, the base station numbers of Hashimoto are not "reference locations" as required by claim 1. Therefore, Hashimoto fails to teach, "storing a reference location associated with said base unit in said mobile terminal" as required by claim 1 and, as such, necessarily fails to anticipate claim 1 under § 102(e). Accordingly, Applicant respectfully requests the allowance of claim 1 and its dependent claims 2-24.

The Examiner also rejected claim 25 under § 102(e) asserting that the receiver of Hashimoto is, "a positioning receiver to compute a current location of said mobile terminal" as required by claim 25. This assertion, however, is also incorrect and unsupported by Hashimoto. The receiver of Hashimoto – apparently the only receiver of Hashimoto - receives nothing more than conventional high-frequency signals from the terrestrial base stations. Hashimoto never indicates that the mobile terminal includes a positioning receiver, and never suggests that the disclosed receiver "compute[s] a current location of said mobile terminal." As stated above, there is no position/location information whatsoever contained in the messages. This is best seen in Figure 5 of Hashimoto, which shows that the control messages contain data and base station identification symbols. Because these messages do not include positioning data, the receiver necessarily cannot equate to a "positioning receiver." Respectfully, Hashimoto fails to teach "a positioning receiver to compute a current location of said mobile terminal," and thus cannot anticipate claim 25 under § 102(e). Accordingly, Applicant respectfully requests the allowance of claim 25, and its dependent claims 26-44.

The Examiner also rejected claim 45 under § 102(e) as being anticipated by Hashimoto, citing the same reasons as those stated above for claim 25. However, like claim 25, claim 45

requires "a positioning receiver to compute a current location of said mobile terminal." Thus, for the reasons stated above with respect to claim 25, Hashimoto fails to anticipate claim 45 under § 102(e). Accordingly, Applicant respectfully requests the allowance of claim 45.

Finally, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto in view of Raith. However, Applicant notes that the patent to Raith may not even be available as prior art. More specifically, both the patent to Raith and the instant application have common inventorship. Therefore, the patent to Raith cited in the Office Action is "not by another," and is not valid as prior art under § 102.

However, even if the patent to Raith is valid as prior art (which it apparently is not), it still does not teach claim 5 as the Examiner asserts. Claim 5 requires, "determining the current location of said mobile terminal. . . and. . . storing said current location. . . as said reference location." The patent to Raith discloses a positioning receiver in a mobile terminal that interacts with a location database. The location database stores the geographical coordinates of various points of interest (e.g., hotels, restaurants, etc.) to the user. However, while the user in Raith may manually enter the geographical coordinates, they are not based on the current location of the mobile terminal. In other words, if the user in Raith knows the coordinates of a specific point of interest, the user has the option of manually entering geographical coordinates. This may occur whether or not the mobile terminal is anywhere near the specific point of interest. Manual entry, however, is not the same as using the positioning receiver in the mobile terminal to "[determine] the current location of said mobile terminal. . . and. . . [store] said current location. . . as said reference location."

The Examiner admits that Hashimoto fails to teach or suggest claim 5. For the reasons stated above, the patent to Raith also fails to teach or suggest claim 5. Therefore, neither Hashimoto nor Raith teach or suggest, alone or in combination, claim 5. Accordingly, Applicant respectfully requests the allowance of claim 5.

The Examiner also rejected claim 29 under 35 U.S.C. § 103(a), citing the same references and for the same reasons as those cited above with respect to claim 5. However, claim 29 recites subject matter similar to that of claim 5 and, thus, is patentably non-obvious over the cited references for the same reasons as those stated above for claim 5. Accordingly, Applicant respectfully requests the allowance of claim 29.

Respectfully submitted,

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Dated: February 2, 2004

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